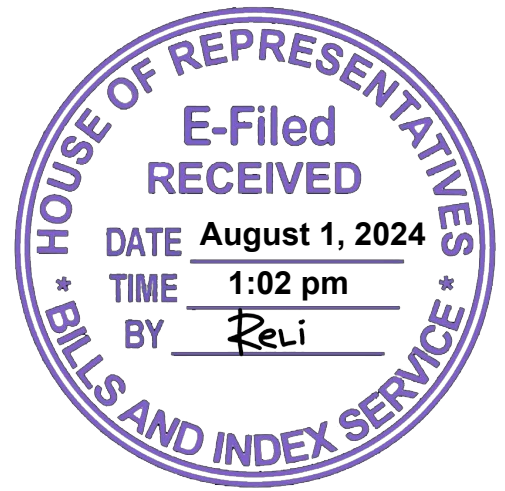


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
*Third Regular Session*

House Bill No. **10704**



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Introduced by Representative PABLO JOHN F. GARCIA

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**EXPLANATORY NOTE**

Republic Act. 8975 entitled, “An Act to Ensure the Expeditious Implementation and Completion of Government Infrastructure Projects by Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions, Providing Penalties for Violations thereof, and for other purposes” guarantees the swift implementation of national government infrastructure projects by limiting the jurisdiction of lower courts in issuing injunctive reliefs, thereby reducing delays and ensuring the timely completion of critical government projects.

The measure referred to national government projects as “all current and future national government infrastructure, engineering works and service contracts, including projects undertaken by government-owned and -controlled corporations, all projects covered by Republic Act No. 6975, as amended by Republic Act No. 7718, otherwise known as the Build-Operate-and-Transfer (BOT) Law, and other related and necessary activities, such as site acquisition, supply and/or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair and rehabilitation, regardless of the source of funding.”

Under Section 2 Paragraph (a) of the BOT Law, as amended by Rep. Act No. 7718, private sector infrastructure or development projects refer to those “normally financed and operated by the public sector but which will now be wholly or partly implemented by the private sector, **including but not limited to**, power plants, highways, ports, airports, canals, dams, hydropower projects, water supply, irrigation, telecommunications, railroads and railways, transport systems, land reclamation projects, industrial estates or townships, housing, government buildings, tourism projects, markets, slaughterhouses, warehouses, solid waste management, **information technology networks and database infrastructure**, education and health facilities, sewerage, drainage, dredging, and other infrastructure and development projects as may be authorized by the appropriate agency.”

The legislative intent, as discussed during Senate deliberations on Senate Bill No. 2038—the precursor to Rep. Act No. 8975, was to expand the scope of national government projects to include emerging and evolving forms of infrastructure. This intent reflects the understanding that infrastructure needs will evolve over time.

The increasing integration of information technology and digital infrastructure into government operations highlights the need for their explicit inclusion in the definition of national government projects.

This necessity is underscored by the Supreme Court ruling in *Department of Foreign Affairs and Bangko Sentral ng Pilipinas v. Falcon*, G.R. No. 176657 (2010), which emphasized the evolving nature of infrastructure and the critical role digital systems play in supporting government functions and public services. The Electronic Passport (e-Passport) Project exemplifies the importance of including such projects, as they are vital for national security, efficient governance, and public service delivery.

The decision recognizes that modern governance increasingly relies on robust IT and digital infrastructure, making their inclusion in legal definitions crucial for comprehensive and future-proof infrastructure development.

Furthermore, existing government procurement laws acknowledge that infrastructure projects may encompass the civil works components of information technology projects.

Rep. Act No. 9184, also known as the "Government Procurement Reform Act," as amended by Rep. Act No. 12009, or the "New Government Procurement Act," defines in Section 5, Paragraph (o) that, infrastructure projects include the "construction, improvement, rehabilitation, demolition, repair, restoration, or maintenance of roads and bridges, railways, airports, seaports, **communication facilities, civil works components of information technology projects**, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings, and other related construction projects of the government."

Thus, there is a need to amend Rep. Act No. 8975 to cover the development, improvement, and maintenance of information technology and digital infrastructure such as data centers, cybersecurity frameworks, and government information technology networks. These digital components are not merely supplementary; they are foundational to the seamless and secure operation of public services and the overall resilience of governmental functions.

In view of the foregoing, the urgent passage of this bill is earnestly sought.

  
Rep. PABLO JOHN F. GARCIA  
3rd District, Province of Cebu

**HOUSE OF REPRESENTATIVES**

Quezon City

**NINETEENTH CONGRESS**

***Third Regular Session***

House Bill No. **10704**

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**AN ACT**

**EXPANDING THE DEFINITION OF GOVERNMENT INFRASTRUCTURE TO INCLUDE INFORMATION TECHNOLOGY AND DIGITAL INFRASTRUCTURE, AMENDING FOR THE PURPOSE SECTION 2 OF REPUBLIC ACT NO. 8975 ENTITLED “AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION AND COMPLETION OF GOVERNMENT INFRASTRUCTURE PROJECTS BY PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS. PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES,” AS AMENDED**

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

**Section 1.** Section 2, Paragraph (a) of Republic Act No. 8975, entitled “AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION AND COMPLETION OF GOVERNMENT INFRASTRUCTURE PROJECTS BY PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS. PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES,” is hereby amended to read as follows:

**“Section 2. Definition of Terms. –**

(a) “National government projects” shall refer to all current and future national government infrastructure, INFORMATION TECHNOLOGY AND DIGITAL INFRASTRUCTURE, SUCH AS INFORMATION TECHNOLOGY NETWORKS, ONLINE SYSTEMS, DIGITAL SOFTWARE AND PROGRAMS, DATABASE INFRASTRUCTURE, AND THE LIKE, engineering works and service contracts, including projects undertaken by government-owned and –controlled corporations, all projects covered by Republic Act No. 6957, as amended by Republic Act No. 7718, otherwise known as the Build-Operate-and-Transfer Law, and other related and necessary activities such as site acquisition, supply and/or installation of equipment and materials, implementation, construction,

completion, operation, maintenance, improvement, repair and rehabilitation, regardless of the source of funding.”

**Section 2. Separability Clause.** - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

**Section 3. Repealing Clause.** - All laws, executive orders, administrative orders and rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

**Section 4. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

**Approved,**